

Union Calendar No. 458

106TH CONGRESS
2^D SESSION

H. R. 4320

[Report No. 106-792]

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. UDALL of Colorado, Mr. FARR of California, Mr. VENTO, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Resources

JULY 25, 2000

Additional sponsors: Mr. TIERNEY, Ms. PELOSI, Mr. MCGOVERN, Mrs. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. GEJDENSON, Mr. LANTOS, Mr. HINCHEY, Mr. EVANS, Mr. MORAN of Virginia, Mr. DICKS, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. DOYLE, Mr. NADLER, Ms. LEE, Mr. CONYERS, Ms. ESHOO, Mr. SHAW, Mr. PASCRELL, Mr. PALLONE, Mr. SAXTON, Mr. CUNNINGHAM, and Ms. RIVERS

JULY 25, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 13, 2000]

A BILL

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Great Ape Conservation*
 5 *Act of 2000”.*

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 *(a) FINDINGS.—Congress finds that—*

8 *(1) great ape populations have declined to the*
 9 *point that the long-term survival of the species in the*
 10 *wild is in serious jeopardy;*

11 *(2) the chimpanzee, gorilla, bonobo, orangutan,*
 12 *and gibbon are listed as endangered species under sec-*
 13 *tion 4 of the Endangered Species Act of 1973 (16*
 14 *U.S.C. 1533) and under Appendix I of the Conven-*
 15 *tion on International Trade in Endangered Species of*
 16 *Wild Fauna and Flora (27 UST 1087; TIAS 8249);*

1 (3) because the challenges facing the conservation
2 of great apes are so immense, the resources available
3 to date have not been sufficient to cope with the con-
4 tinued loss of habitat due to human encroachment
5 and logging and the consequent diminution of great
6 ape populations;

7 (4) because great apes are flagship species for the
8 conservation of the tropical forest habitats in which
9 they are found, conservation of great apes provides
10 benefits to numerous other species of wildlife, includ-
11 ing many other endangered species;

12 (5) among the threats to great apes, in addition
13 to habitat loss, are population fragmentation, hunting
14 for the bushmeat trade, live capture, and exposure to
15 emerging or introduced diseases;

16 (6) great apes are important components of the
17 ecosystems they inhabit, and studies of their wild
18 populations have provided important biological in-
19 sights;

20 (7) although subsistence hunting of tropical for-
21 est animals has occurred for hundreds of years at a
22 sustainable level, the tremendous increase in the com-
23 mercial trade of tropical forest species is detrimental
24 to the future of these species; and

1 (8) *the reduction, removal, or other effective ad-*
2 *ressing of the threats to the long-term viability of*
3 *populations of great apes in the wild will require the*
4 *joint commitment and effort of countries that have*
5 *within their boundaries any part of the range of great*
6 *apes, the United States and other countries, and the*
7 *private sector.*

8 (b) *PURPOSES.—The purposes of this Act are—*

9 (1) *to sustain viable populations of great apes in*
10 *the wild; and*

11 (2) *to assist in the conservation and protection*
12 *of great apes by supporting conservation programs of*
13 *countries in which populations of great apes are lo-*
14 *cated and by supporting the CITES Secretariat.*

15 **SEC. 3. DEFINITIONS.**

16 *In this Act:*

17 (1) *CITES.—The term “CITES” means the*
18 *Convention on International Trade in Endangered*
19 *Species of Wild Fauna and Flora, done at Wash-*
20 *ington March 3, 1973 (27 UST 1087; TIAS 8249),*
21 *including its appendices.*

22 (2) *CONSERVATION.—The term “conservation”—*

23 (A) *means the use of methods and proce-*
24 *dures necessary to prevent the diminution of,*

1 *and to sustain viable populations of, a species;*
2 *and*

3 *(B) includes all activities associated with*
4 *wildlife management, such as—*

5 *(i) conservation, protection, restora-*
6 *tion, acquisition, and management of habi-*
7 *tat;*

8 *(ii) in-situ research and monitoring of*
9 *populations and habitats;*

10 *(iii) assistance in the development, im-*
11 *plementation, and improvement of manage-*
12 *ment plans for managed habitat ranges;*

13 *(iv) enforcement and implementation*
14 *of CITES;*

15 *(v) enforcement and implementation of*
16 *domestic laws relating to resource manage-*
17 *ment;*

18 *(vi) development and operation of*
19 *sanctuaries for members of a species rescued*
20 *from the illegal trade in live animals;*

21 *(vii) training of local law enforcement*
22 *officials in the interdiction and prevention*
23 *of the illegal killing of great apes;*

24 *(viii) programs for the rehabilitation*
25 *of members of a species in the wild and re-*

lease of the members into the wild in ways which do not threaten existing wildlife populations by causing displacement or the introduction of disease;

(ix) conflict resolution initiatives;

(x) community outreach and education; and

(xi) strengthening the capacity of local communities to implement conservation programs.

(3) *FUND.*—The term “Fund” means the Great Ape Conservation Fund established by section 5.

(4) *GREAT APE.*—The term “great ape” means a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

(5) *MULTINATIONAL SPECIES CONSERVATION FUND.*—The term “Multinational Species Conservation Fund” means such fund as established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, under the heading “MULTINATIONAL SPECIES CONSERVATION FUND”.

(6) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

SEC. 4. GREAT APE CONSERVATION ASSISTANCE.

(a) *IN GENERAL.*—Subject to the availability of funds and in consultation with other appropriate Federal offi-

1 cials, the Secretary shall use amounts in the Fund to pro-
2 vide financial assistance for projects for the conservation
3 of great apes for which project proposals are approved by
4 the Secretary in accordance with this section.

5 (b) *PROJECT PROPOSALS.*—

6 (1) *ELIGIBLE APPLICANTS.*—A proposal for a
7 project for the conservation of great apes may be sub-
8 mitted to the Secretary by—

9 (A) any wildlife management authority of a
10 country that has within its boundaries any part
11 of the range of a great ape if the activities of the
12 authority directly or indirectly affect a great ape
13 population;

14 (B) the CITES Secretariat; or

15 (C) any person or group with the dem-
16 onstrated expertise required for the conservation
17 of great apes.

18 (2) *REQUIRED ELEMENTS.*—A project proposal
19 shall include—

20 (A) a concise statement of the purposes of
21 the project;

22 (B) the name of the individual responsible
23 for conducting the project;

24 (C) a description of the qualifications of the
25 individuals who will conduct the project;

1 (D) a concise description of—

2 (i) methods for project implementation
3 and outcome assessment;

4 (ii) staff and community management
5 for the project; and

6 (iii) the logistics of the project;

7 (E) an estimate of the funds and time re-
8 quired to complete the project;

9 (F) evidence of support for the project by
10 appropriate governmental entities of the coun-
11 tries in which the project will be conducted, if
12 the Secretary determines that such support is re-
13 quired for the success of the project;

14 (G) information regarding the source and
15 amount of matching funding available for the
16 project; and

17 (H) any other information that the Sec-
18 retary considers to be necessary for evaluating
19 the eligibility of the project for funding under
20 this Act.

21 (c) *PROJECT REVIEW AND APPROVAL.*—

22 (1) *IN GENERAL.*—The Secretary shall—

23 (A) not later than 30 days after receiving a
24 project proposal, provide a copy of the proposal
25 to other appropriate Federal officials; and

1 (B) review each project proposal in a timely
2 manner to determine if the proposal meets the
3 criteria specified in subsection (d).

4 (2) CONSULTATION; APPROVAL OR DIS-
5 APPROVAL.—Not later than 180 days after receiving
6 a project proposal, and subject to the availability of
7 funds, the Secretary, after consulting with other ap-
8 propriate Federal officials, shall—

9 (A) consult on the proposal with the govern-
10 ment of each country in which the project is to
11 be conducted;

12 (B) after taking into consideration any
13 comments resulting from the consultation, ap-
14 prove or disapprove the proposal; and

15 (C) provide written notification of the ap-
16 proval or disapproval to the person who sub-
17 mitted the proposal, other appropriate Federal
18 officials, and each country described in subpara-
19 graph (A).

20 (d) CRITERIA FOR APPROVAL.—The Secretary may
21 approve a project proposal under this section if the project
22 will enhance programs for conservation of great apes by as-
23 sisting efforts to—

24 (1) implement conservation programs;

1 (2) *address the conflicts between humans and*
2 *great apes that arise from competition for the same*
3 *habitat;*

4 (3) *enhance compliance with CITES and other*
5 *applicable laws that prohibit or regulate the taking or*
6 *trade of great apes or regulate the use and manage-*
7 *ment of great ape habitat;*

8 (4) *develop sound scientific information on, or*
9 *methods for monitoring—*

10 (A) *the condition and health of great ape*
11 *habitat;*

12 (B) *great ape population numbers and*
13 *trends; or*

14 (C) *the current and projected threats to the*
15 *habitat, current and projected numbers, or cur-*
16 *rent and projected trends; or*

17 (5) *promote cooperative projects on the issues de-*
18 *scribed in paragraph (4) among government entities,*
19 *affected local communities, nongovernmental organi-*
20 *zations, or other persons in the private sector.*

21 (e) *PROJECT SUSTAINABILITY.—To the maximum ex-*
22 *tent practicable, in determining whether to approve project*
23 *proposals under this section, the Secretary shall give pref-*
24 *erence to conservation projects that are designed to ensure*

1 *effective, long-term conservation of great apes and their*
2 *habitats.*

3 (f) *MATCHING FUNDS.*—*In determining whether to ap-*
4 *prove project proposals under this section, the Secretary*
5 *shall give preference to projects for which matching funds*
6 *are available.*

7 (g) *PROJECT REPORTING.*—

8 (1) *IN GENERAL.*—*Each person that receives as-*
9 *sistance under this section for a project shall submit*
10 *to the Secretary periodic reports (at such intervals as*
11 *the Secretary considers necessary) that include all in-*
12 *formation that the Secretary, after consultation with*
13 *other appropriate government officials, determines is*
14 *necessary to evaluate the progress and success of the*
15 *project for the purposes of ensuring positive results,*
16 *assessing problems, and fostering improvements.*

17 (2) *AVAILABILITY TO THE PUBLIC.*—*Reports*
18 *under paragraph (1), and any other documents relat-*
19 *ing to projects for which financial assistance is pro-*
20 *vided under this Act, shall be made available to the*
21 *public.*

22 (h) *LIMITATIONS ON USE FOR CAPTIVE BREEDING.*—
23 *Amounts provided as a grant under this Act—*

1 (1) *may not be used for captive breeding of great*
2 *apes other than for captive breeding for release into*
3 *the wild; and*

4 (2) *may be used for captive breeding of a species*
5 *for release into the wild only if no other conservation*
6 *method for the species is biologically feasible.*

7 (i) *PANEL.—Every 2 years, the Secretary shall con-*
8 *vene a panel of experts to identify the greatest needs for*
9 *the conservation of great apes.*

10 **SEC. 5. GREAT APE CONSERVATION FUND.**

11 (a) *ESTABLISHMENT.—There is established in the Mul-*
12 *tinational Species Conservation Fund a separate account*
13 *to be known as the “Great Ape Conservation Fund”, con-*
14 *sisting of—*

15 (1) *amounts transferred to the Secretary of the*
16 *Treasury for deposit into the Fund under subsection*
17 *(e);*

18 (2) *amounts appropriated to the Fund under*
19 *section 6; and*

20 (3) *any interest earned on investment of*
21 *amounts in the Fund under subsection (c).*

22 (b) *EXPENDITURES FROM FUND.—*

23 (1) *IN GENERAL.—Subject to paragraph (2),*
24 *upon request by the Secretary, the Secretary of the*
25 *Treasury shall transfer from the Fund to the Sec-*

1 *retary, without further appropriation, such amounts*
 2 *as the Secretary determines are necessary to provide*
 3 *assistance under section 4.*

4 (2) *ADMINISTRATIVE EXPENSES.—Of the*
 5 *amounts in the account available for each fiscal year,*
 6 *the Secretary may expand not more than 3 percent,*
 7 *or up to \$80,000, whichever is greater, to pay the ad-*
 8 *ministrative expenses necessary to carry out this Act.*

9 (c) *INVESTMENT OF AMOUNTS.—*

10 (1) *IN GENERAL.—The Secretary of the Treasury*
 11 *shall invest such portion of the Fund as is not, in the*
 12 *judgment of the Secretary of the Treasury, required to*
 13 *meet current withdrawals. Investments may be made*
 14 *only in interest-bearing obligations of the United*
 15 *States.*

16 (2) *ACQUISITION OF OBLIGATIONS.—For the pur-*
 17 *pose of investments under paragraph (1), obligations*
 18 *may be acquired—*

19 (A) *on original issue at the issue price; or*

20 (B) *by purchase of outstanding obligations*
 21 *at the market price.*

22 (3) *SALE OF OBLIGATIONS.—Any obligation ac-*
 23 *quired by the Fund may be sold by the Secretary of*
 24 *the Treasury at the market price.*

1 (4) *CREDITS TO FUND.*—*The interest on, and the*
2 *proceeds from the sale or redemption of, any obliga-*
3 *tions held in the Fund shall be credited to and form*
4 *a part of the Fund.*

5 (d) *TRANSFERS OF AMOUNTS.*—

6 (1) *IN GENERAL.*—*The amounts required to be*
7 *transferred to the Fund under this section shall be*
8 *transferred at least monthly from the general fund of*
9 *the Treasury to the Fund on the basis of estimates*
10 *made by the Secretary of the Treasury.*

11 (2) *ADJUSTMENTS.*—*Proper adjustment shall be*
12 *made in amounts subsequently transferred to the ex-*
13 *tent prior estimates were in excess of or less than the*
14 *amounts required to be transferred.*

15 (e) *ACCEPTANCE AND USE OF DONATIONS.*—*The Sec-*
16 *retary may accept and use donations to provide assistance*
17 *under section 4. Amounts received by the Secretary in the*
18 *form of donations shall be transferred to the Secretary of*
19 *the Treasury for deposit into the Fund.*

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 *There are authorized to be appropriated to the Fund*
22 *\$5,000,000 for each of fiscal years 2001 through 2005.*

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